

### REMARKS

This responds to the Restriction Requirement dated December 19, 2007.

Claims 13, 16 and 18-19 are withdrawn and claims 1-10 are currently cancelled without prejudice or disclaimer. Claims 11-19 are currently amended and fully supported by the application-as-filed, such as at [0004]-[0007], [0012]-[0020], [0024] and FIGS. 1-2. Claims 20-36 are new and fully supported by the application-as-filed, such as at [0004]-[0007], [0012]-[0020], [0024] and FIGS. 1-2.

Accordingly, Applicant hereby respectfully requests further examination and reconsideration of claims 11-12, 14-15, 17, 20-23, 26-27, 29-31 and 33-35 and, if generic claims 11 and 30 are found allowable, claims 13, 16, 18-19, 24-25, 28, 32 and 36 as well.

### Election/Restriction:

The Restriction Requirement asserts restriction of the claims to one of the follow Groups under 35 U.S.C. § 121:

- I. Claims 1-10, drawn to a method for administering an active agent to a subject, the active agent having been applied to at least one surface of an ocular implant, classified in class 424, subclass 427.
- II. Claims 11-19, drawn to an apparatus for administering an active agent to a subject comprising an active agent applied to at least one surface of an ocular implant, classified in class 424, subclass 427.

Regardless of the Group elected, the Restriction Requirement further asserts restrictions to each of the following species:

- a. Whether the ocular implant is a punctal plug or is not a punctal plug.
- b. Whether the active agent is a medicine or is an active agent that is not a medicine.

If the active agent is a medicine, whether it is a medication listed in claims 7 or 16, a medication for the topical treatment of glaucoma, a medication for the treatment of a corneal infection or a medication that is not listed in claims 7 or 16

- and is not a treatment for glaucoma and is not a treatment for a corneal infection.
- c. Whether the implant is not hollow or is hollow allowing the passage of tears.
  - d. Whether the active agent is on a stem of the plug, on a stopper projection of the plug, in the hollow interior of the hollow implant or is not on a stem of the plug, on a stopper projection of the plug or the hollow interior of the hollow implant.
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Applicant elects, without traverse, to prosecute Group II, including claims 11-19.

Applicant submits that new claims 20-36 read on the elected invention and respectfully requests examination and reconsideration of the same along with the elected claims.

Applicant provisionally elects the species including a punctal plug, a medication for the topical treatment of glaucoma, a non-hollow implant, and an active agent on a stopper projection structure of the plug. Applicant submits that claims 11-12, 14-15, 17, 20-23, 26-27, 29-31 and 33-35 are readable on the designed species and respectfully requests examination and reconsideration of the same.

Applicant withdraws claims 13, 16 and 18-19 and cancels claims 1-10 (Group I) without prejudice or disclaimer, and reserves the right to reintroduce such claims in one or more Divisional applications at a later date and/or to request rejoinder of any withdrawn claim, as required by M.P.E.P. § 821.04. Applicant submits that at least claim 11 is generic to claims 13-29 and at least claim 30 is generic to claims 31-36. If claim 11 is found allowable, then claims 13-29 should also be found allowable. If claim 30 is found allowable, then claims 31-36 should also be found allowable.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited and encouraged to telephone Applicant's attorney at (612) 373-6956 to facilitate prosecution of this application.

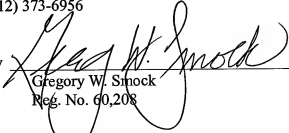
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date: April 18, 2008

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18<sup>th</sup> day of April 2008.

PATRICIA A.H. ULTMAN

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